

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1, 11-20, 34 and 36 are pending under consideration in the present application, of which claims 1, 11, 34 and 36 are independent.

With appreciation, it is noted that the Office Action indicates (see the Office Action mailed October 9, 2008, page 3, fifth paragraph) claims 12 and 14-19 as containing allowable subject matter.

Noted - Priority Document Received By USPTO

The indication (see Office Action Summary of the Office Action mailed October 9, 2008, box 12(a)(1) as checked) that the certified copies of the priority documents have been received by the USPTO is noted with appreciation.

Noted - IDS Considered

The indication (see attachment to the Office Action mailed November 26, 2007) that the Information Disclosure Statement as filed on March 30, 2004 and references listed therein have been considered is noted with appreciation.

Noted - Drawings Approved

The indication (see Office Action Summary of the Office Action mailed October 9, 2008, box 10(a) as checked) that the Drawings (submitted on March 30, 2004) have been approved is noted with appreciation.

Claim Rejection Under 35 U.S.C. §112

Claims 1, 11-20, 34 and 36 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. By the foregoing amendments, the claims have been amended to comply with the enablement requirement. Accordingly, withdrawal of the rejection is respectfully requested.

Claim Rejection Under 35 U.S.C. §102

Claims 1, 11, 13, 20, 34 and 36 are rejected under 35 U.S.C. §102(e) as being anticipated by Hirst et al. (U.S. Patent No. 6,581,166, Hirst hereinafter).

INDEPENDENT CLAIM 1

As an example, independent claim 1 recites (among other things):

autonomously transferring the control packet stored in the buffer device to a processing unit in a specific cycle when no control packet is received for a specific period, thereby preventing the processing unit from re-configuring a topology of a spanning tree. (Underlining added for emphasis).

As will be explained below, at least this feature of claim 1 is a distinction over Hirst.

Hirst merely describes altering a packet routing table upon detection of a fault through a heartbeat pinging without any discussion of transferring a stored packet to prevent re-configuration of a topology. In particular, the Abstract of Hirst states:

"...Faults are detected through the use of a heartbeat pinging mechanism to detect faults on the network itself and by periodic port integrity checks to detect port faults. The integrity of the non-default network and port are also periodically verified to assure effective fault recovery. Upon detection of a fault, a packet routing table in the detecting computer is altered to set the detecting computer's default network to the previously non-default network..." (Underlining added for emphasis).

Hence, the noted feature, namely the feature that "autonomously transferring the control packet stored in the buffer device to a processing unit in a specific cycle when no control packet is received for a specific period, thereby preventing the processing unit from re-configuring a topology of a spanning tree" is a distinction over Hirst.

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. In view of the distinction of claim 1 noted above, at least one claimed element is not present in Hirst. Hence, Hirst does not anticipate claim 1.

INDEPENDENT CLAIMS 11, 34, and 36

Independent claims 11, 34, and 36 each at least recite a feature that corresponds to the noted feature of claim 1, and so at least similarly distinguish over Hirst. Hence, Hirst also does not anticipate claims 11, 34, and 36.

DEPENDENT CLAIMS

Claims 13 and 20 ultimately depend from claim 11, and so at least similarly distinguish over Hirst. Hence, Hirst also does not anticipate claims 13 and 20.

In view of the foregoing discussion, the rejection of claims 1, 11, 13, 20, 34 and 36 is improper. Accordingly, withdrawal of the rejection is respectfully requested.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 50-1290.

Respectfully submitted,

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/Dexter T. Chang/
Dexter T. Chang
Registration No.: 44,071
Phone: (212) 940-6384

Katten Muchin Rosenman LLP
PTO Customer No.: 026304